

Stakeholder Group Meeting Thurston County Mineral Lands Project

Tuesday, May 1st, 2018
2:00pm – 4:00pm
Thurston County Courthouse Complex
Building 1, First Floor, Room 152
2000 Lakeridge Dr. SW, Olympia

Mineral Resource Lands Overview and Q&A

Allison Osterberg gave an overview of where we currently are in the mineral resource lands update.

- The mineral lands stakeholder meeting serves as a sounding board and to stimulate discussion and alternative areas of research. The group has met 4 times, discussing the inventory and classification update and designation of mineral resource lands. In this meeting, the stakeholder group is discussing policies and real-world application of the mineral lands designation criteria.
- The Planning Commission reviewed designation options and held a hearing on the scope of designation on March 7, 2018. On March 21, the Planning Commission recommended option 1A, which maintains the current comprehensive plan criteria but also co-designates mineral resource lands with long term agriculture.
- Staff will brief the Board of County Commissioners on the Planning Commission recommendation on May 16, 2018 at 9:30 AM.
- Draft chapters are expected for release in June. Staff will begin work sessions with the Planning Commission on comprehensive plan chapters in June, and a public hearing will be held on the comprehensive plan in late summer.

Mineral Resource Lands Policy Discussion

1. Community Vision

The mineral lands stakeholder group began discussion with the community vision that is currently in Chapter 3:

The citizens of Thurston County recognize mining as an important part of the rural economy. Mineral resources such as sand and gravel supply materials for road maintenance and construction projects throughout the region. The community seeks a balance between the need for mineral resources and the need to protect the environment and the community from adverse impacts of mining. Good stewardship of mining operations, including reclamation and restoration, takes a partnership among mining operators, county citizens, and regulatory agencies.

Stakeholders commented that the vision statement should be simple and speak to both the public and the resource industry. The following comments and concerns were expressed on the vision statement:

- Change use of “adverse”. Some suggested this should say “any adverse”.

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- Phrase “including reclamation and restoration” is redundant. Some stated reclamation = restoration. Other members stated reclamation ≠ restoration, and said the phrase “restoration” is important in speaking to the general public.
 - Reclamation may indicate conversion of the land, whereas restoration generally indicates going back to previous use.
 - Could remove “restoration” (and reclamation) and have it identified as a specific goal.
 - Could move the phrase to the end of the previous sentence.
- Use of the word rural in “Rural economy” was discussed. Stakeholders mentioned that “rural” may not be appropriate; mining supports the regional economy.

2. Mineral Resource Lands Goals

The stakeholder group discussed the current and proposed goals for mineral resource lands.

Current: Mineral Resource Lands of long-term commercial significance should be allowed to be used by extraction industries with minimal harm to the environment.

Proposed (7): Identify, designate and conserve mineral resource lands of long-term commercial significance.

Proposed (8): Ensure extraction on mineral resource lands of long-term commercial significance causes minimal harm to the environment and other surrounding land uses.

The following comments were made on mineral resource lands goals:

- Crosscheck Goal 7 with the WAC to ensure that “conserve” is the appropriate word.

“Counties and cities planning under RCW [36.70A.040](#) must adopt development regulations that assure the conservation of designated agricultural, forest, and mineral lands of long-term commercial significance.” WAC 365-196-815(1)(a)
- Concern over the use of “minimal harm” in Goal 8.
 - Change the text of Goal 8 to “Ensure that impacts to the environment and other surrounding land uses from extraction on mineral resource lands is mitigated for and managed through the permitting process.”
- Stakeholders requested that staff ensure agriculture and forestry is held to the same standard in minimizing impacts on the environment.
- Add a goal specifically on the reclamation process, so there are 3 goals to address before, during and after.

3. Policies for Information

Inventory and Designation Update

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The group discussed how often the County should update the inventory and designation mapping.

- One suggestion was to update the mapping every 8 years with the GMA update cycle. Some members thought 8 years would be a long time to update.
- One suggestion was to update every 4-5 years. Evaluate if data is available for an update at this stage, and if not, review again at 8 years.
 - Some data will come available in 2-3 years, other data may not come available for several years. New LiDAR or geologic (USGS) data could be a trigger to update inventory.

Amendment Process

The group discussed what an individual amendment process should look like to become a designated mineral resource land.

- Instead of requiring boring samples, should require “subsurface geologic data”.
- Specify information must be done by a “qualified” geologist, rather than a “licensed geologist”. Requiring a licensed geologist is a big hurdle and very expensive. Many mining companies already have qualified (but not necessarily licensed) geologists.
- Some concern over additional long-term agricultural lands being designated in piecemeal fashion.

4. Policies for Information

Notification Process and Distance

The group discussed the notification process for permits within a certain distance of mineral resource lands. The notification process is important to protect the industry from nuisance claims.

- Group members asked why there are 2 different distances (plats versus building permits/mobile home permits)
- Asked if there are differences in the notification distance of LTF/LTA and MRL.
- Some members suggested staff check the WAC requirements for notification, and be consistent with state law. Discussion to be continued on notice requirement for plats.

Subdivision Policy

Staff asked the stakeholder group for feedback on a policy that would limit subdivision on parcels within the Mineral Resource Lands designation. For example, a policy that limits or prohibits subdivision of larger parcels (10+, 20+, 40+ acres) within a rural residential zone.

- Members discussed that while it is important to preserve large parcel sizes for the mineral extraction industry, preserving landowner rights is also important.
- A significant portion of Thurston County’s Mineral Resource Lands overlay falls within rural residential areas. Other counties that do this (i.e., Snohomish) are not similar to Thurston County’s case because they have few areas of overlap between mineral resource lands and residential, mostly with mineral lands in forested areas.

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- Stakeholders asked how Boundary Line Adjustments or consolidation of parcels affect the MRL designation.
- Stakeholders suggested to let economics handle the use of the land.

Expansion of existing operations

Stakeholders discussed how expansion of mineral resource operations should be treated. Two main options were proposed: allow expansion onto an adjacent undesignated parcel if the legally established operation falls on designated mineral lands, or only allow expansion within designated areas. The following comments were made on expansion:

- Operations should have to go through the standard amendment process if mineral lands are not currently designated.
- Mines should be allowed to expand laterally. Expansion is preferable to a new operation.
 - Stakeholders suggested adding policy language that emphasizes preference for expansion vs. new operations.
 - Stakeholders also recommended expansion is preferable to a “swiss cheese effect”
- The designation already covers a large area in Thurston County; allowing expansion onto undesignated areas increases this even more.
- Staff could explore a buffer from the designated area which operations would be allowed to expand into undesignated areas.

Designation at the parcel level

Stakeholders discussed how designation should be handled at the parcel level. If only a portion of a parcel is designated, how should it be handled for permitting purposes?

- John Bromley (DNR) recommended reviewing the University Place court case on diminishing assets
 - Standard has been to include the full parcel
- Designation mapping may not be perfect at the site scale, and can't define exact boundaries.
- Could specify a minimum acreage size that needs to be designated in order to consider the whole parcel designated (0.26 acres). Alternatively could specify a dual threshold: acreage and/or a percentage of the parcel must be designated in order to be fully considered designated.
- Stakeholders asked if the notification process is based on the parcel boundary of all designated parcels, or the designated mineral resource lands layer.
- It was recommended to add an action item to have a reporting requirement on acreage and amount of expansion over 4-8 year periods.

5. Policies for balancing other goals and land uses

Considering Critical Areas

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Staff requested feedback on how to consider critical areas in relation to mineral resource lands. Currently limitations and prohibitions for critical areas addressed in Title 24 of the Thurston County Code.

- The group did not get to this topic point due to time constraints.

Agricultural Lands

The County could consider policies that help conserve agricultural lands that overlap with mineral resource lands.

- Stakeholders expressed concern that agricultural lands must also be conserved.
- One stakeholder mentioned that if both designations exist they must both apply, unless an economic study is conducted.

Next Steps

- There will be a briefing to the Board of County Commissioners on Mineral Resource Lands, scheduled for May 16, 2018 from 9:30 AM to 10:00 AM.
- Stakeholder members discussed potential dates for a next meeting the week of May 21. A follow-up doodle poll will be sent out.